

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: 12/23/2019

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JAMES CONTANT, et al.,

Plaintiffs,

-against-

BANK OF AMERICA CORPORATION, et al.,

Defendants. :
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17 Civ. 3139 (LGS)

ORDER

LORNA G. SCHOFIELD, District Judge:

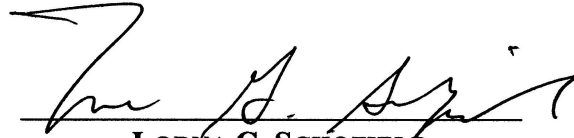
WHEREAS, in a letter to Chambers dated December 20, 2019, Plaintiffs request that the Third Consolidated Class Action Complaint be filed in redacted form on ECF. It is hereby

ORDERED that the request to file the pre-motion letter with redactions is **DENIED**.

Plaintiffs' letter included a statement from Defendants, asserting that "[c]ertain descriptions and excerpts that Plaintiffs include in their Third Consolidated Class Action Complaint are taken from documents that have been designated as Confidential or Highly Confidential under the Stipulation and Order of Confidentiality." This reason does not overcome the common law presumption of access to judicial documents. *See Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119 (2d Cir. 2006). Defendants' statement also asserts that the "these descriptions and excerpts are taken from documents that contain information as to which applicable foreign data privacy and/or bank-secrecy laws may require the equivalent of Confidential or Highly Confidential treatment," but Defendants fail to explain how the list of foreign data privacy and/or bank-secrecy laws apply to the broad redactions proposed. "Documents may be sealed if specific, on the record findings are made demonstrating that closure is essential to preserve higher values and is narrowly tailored to serve that interest." *Id.* at 120. It is further

ORDERED that by **January 10, 2020**, Plaintiffs shall renew the motion for leave to file with redactions, providing proposed redactions and an explanation from Defendants as to why each requested redaction contains information that should not be publicly disclosed.

Dated: December 23, 2019
New York, New York

A handwritten signature in black ink, appearing to read 'L. G. Schofield', written over a horizontal line.

LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE